

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION

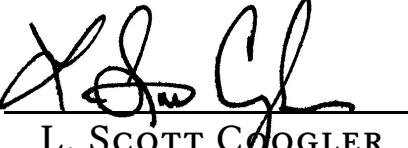
JAMES HILL, as guardian and )  
next friend of BHJ, a minor, )  
                                  )  
Plaintiff,                    )  
                                  )  
vs.                            )                              Case No. 5:10-cv-2593-TMP  
                                  )  
MADISON COUNTY SCHOOL     )  
BOARD, *et al.*,             )  
                                  )  
Defendants.                 )

**O R D E R**

The court has for consideration the Report and Recommendation of Magistrate Judge T. Michael Putnam, filed on December 14, 2011, wherein he recommends that the motion for default against defendant Christopher Cundiff, a minor, be denied, and that the claims against him be dismissed with prejudice. No objections have been filed.

Having considered the recommendation of the Magistrate Judge, the court hereby ACCEPTS and ADOPTS the recommendation of the Magistrate Judge. Accordingly, the motion for default (doc. 48) is hereby DENIED and all of plaintiff's claims against defendant Cundiff are SEVERED and DISMISSED WITHOUT PREJUDICE to the right of the plaintiff to refile them in a new action at a later date.

Done this 31<sup>st</sup> day of January 2012.



L. SCOTT COOGLER  
UNITED STATES DISTRICT JUDGE  
167458